

AO 440 (Rev. 8/01) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

Southern

District of

New York

NATIONAL UNION FIRE INSURANCE COMPANY  
OF PITTSBURGH, PA. and AMERICAN  
INTERNATIONAL SOUTH INSURANCE COMPANY,

## SUMMONS IN A CIVIL ACTION

V.

THE UNITED COMPANY

CASE NUMBER:

**08 CV 3147**

**JUDGE CEDARBAUM**

TO: (Name and address of Defendant)

The United Company  
1005 Glenway Avenue  
Bristol, Virginia 24201-3473

YOU ARE HEREBY SUMMONED and required to serve on <sup>Petitioner's</sup> ~~PLAINTIFF'S~~ ATTORNEY (name and address)

Zeichner Ellman & Krause LLP  
575 Lexington Avenue  
New York, New York 10022

an answer to the <sup>petition</sup> ~~complaint~~ which is served on you with this summons, within 20\* days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the <sup>petition</sup> ~~complaint~~. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

\* or as directed by the Court

**J. MICHAEL McMAHON**

CLERK

*Jessica Doss*

(B) DEPUTY CLERK

**MAR 28 2008**

DATE

COUNTY OF: DISTRICT OF NEW YORK ATTORNEY: GREG M BERBARD, ESQ

20080328174258

NATIONAL UNION FIRE INS CO OF PITTSBURGH, PA., ET AL

- against -  
THE UNITED COPetitioner(s)  
Plaintiff(s)  
Respondent(s)  
Defendant(s)AFFIDAVIT  
OF SERVICEINDEX#  
08 CV 3147STATE OF: Virginia - COUNTY OF: Roanoke ss:Don Hogan

being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in

That on date/time: 4-3-08, at 1005 GLENWAY AVE BRISTOL VA, 24201deponent served the within: SUMMONS, COMPLAINT, Notice of Motion, Petition, Memorandum of Law

[ ] Summons, Spanish summons &amp; complaint, the language required by NRCRR 2900.2(e), (f) &amp; (h) was set forth on the face of the summons(es)

On: THE UNITED COMPANY

[ ] Defendant [ ] Respondent [ ] Witness (hereinafter called the recipient) therein named.

## INDIVIDUAL

A [ ] By personally delivering to and leaving with said THE UNITED COMPANYand that he knew the person so served to be the person mention and described in said SUMMONS, COMPLAINT

## CORPORATION

B X By delivering to and leaving with Michelle Burnetteat UnitedCo 1005 Glenway Ave Bristol VAand that he knew the person so served to be the President of the corporation.

## SUITABLE

AGE PERSON C [ ] Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:

By delivering a true copy thereof to and leaving with

a person of suitable age and discretion at

the said premises being the recipient's [ ] Dwelling/Usual place of abode [ ] Actual place of business within the State of New York.

AFFIXING TO  
DOOR, ETC.D [ ] By affixing a true copy thereof to the door of said premises, the same being the recipient's  
[ ] Dwelling/Usual place of abode [ ] Actual place of business within the State of New York. Deponent had previously attempted to serve  
the above named recipient on/at: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
Deponent spoke with \_\_\_\_\_ who stated to deponent that the said recipient(s)  
lived at the aforementioned address, but did not know recipient's place of employment.MAILING TO  
RESIDENCEE1 [ ] Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient  
to recipient's last known residence at \_\_\_\_\_  
and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service  
within New York State on \_\_\_\_\_.MAILING TO  
BUSINESSE2 [ ] Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient  
to recipient's actual place of business at \_\_\_\_\_  
in an official repository under the exclusive care and custody of the US Postal Service within New York State. The envelope bore the  
legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication  
was from an attorney or concerned an action against the recipient and mailed on \_\_\_\_\_.

## F [X]

DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.  
DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:VOID WITHOUT  
DESCRIPTION

Use with A,B,C,D

<input type="checkbox"/> Male	<input checked="" type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> White Hair	<input type="checkbox"/> 14 - 20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 Lbs.
<input checked="" type="checkbox"/> Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Balding	<input checked="" type="checkbox"/> 21 - 35 Yrs.	<input type="checkbox"/> 5'0" - 5'3"	<input type="checkbox"/> 100 - 130 Lbs.
	<input type="checkbox"/> Yellow Skin	<input type="checkbox"/> Blonde Hair	<input type="checkbox"/> Moustache	<input type="checkbox"/> 36 - 50 Yrs.	<input checked="" type="checkbox"/> 5'4" - 5'8"	<input checked="" type="checkbox"/> 131 - 160 Lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Beard	<input type="checkbox"/> 51 - 65 Yrs.	<input type="checkbox"/> 5'9" - 6'0"	<input type="checkbox"/> 161 - 200 Lbs.
	<input type="checkbox"/> Red Skin	<input type="checkbox"/> Red Hair	<input type="checkbox"/> Glasses	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 Lbs.

Other identifying features: \_\_\_\_\_

## WITNESS FEE

G [ ] Witness fee of \$0 the authorizing traveling expenses and one day's witness fee;  
[ ] was paid (tendered) to the recipient [ ] was mailed to the witness with subpoena copy.MILITARY  
SERVICE

[X]

I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any  
capacity whatsoever and received a negative reply. Defendant wore civilian clothes and no military uniform. The source of my  
information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

3rd day of April, 2008Notary Signature: Tammy Beckner

Name of Notary

TAMMY BECKNER  
Notary Public  
Commonwealth of Virginia  
Reg. # 348290  
My Commission Expires  
Jan. 31, 2011

Don Hogan  
was at the time of service a competent adult  
not having a direct interest in the litigation.  
I declare under penalty of perjury that the  
 foregoing is true and correct.

Signature of Process Server

Date

4-3-08-9:54AM